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July 17, 2020

*Via ECF*  
Hon. Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: *United States v. Burgos (Od20s Rojas)***  
Criminal No. 20 cr 82 (VEC)

Dear Judge Caproni:

I represent Odalys Rojas in the above matter. At the parties' request, Your Honor scheduled Mr. Rojas' plea hearing for Thursday, July 23, 2020. Your Honor scheduled the hearing to be "in person." I am respectfully requesting that the hearing be conducted *via* video conference. Mr. Rojas has serious health issues that in light of the continuing nature of the COVID-19 pandemic, cause him great concern to conduct this hearing in court. Therefore, he is respectfully requesting to proceed *via* video conference from his home. He consents to proceeding this way and waives his physical appearance in court. Juliana Murray, on behalf of the government, consents to this request. In light of the proximity of the scheduled hearing, I am enclosing as Exhibit A, a signed Waiver of Right to Be Present at Criminal Proceeding, which I have reviewed with Mr. Rojas, and which Mr. Rojas consented to, and authorized me to sign on his behalf, should Your Honor grant this request.

Respectfully submitted,  
s/  
Lorraine Gaudi-Rufo  
Attorney for Odalys Rojas

Enclosure (Signed Waiver for Plea)

cc: Juliana Murray, AUSA

Mr. Rojas is directed to provide further information about his "serious health issues," no later than **July 21, 2020**. If the information is sensitive, counsel may file it under seal by emailing the submission to the Court and the Government.

Not later than **July 21, 2020**, the Government is directed to explain whether it will seek to remand Mr. Rojas following his plea, and if not, the basis for its position that Mr. Rojas may remain on bail.

SO ORDERED. Date: 07/17/2020



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

C

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
UNITED STATES OF AMERICA

-v-

Odalys Rojas

Defendant.  
-----X**WAIVER OF RIGHT TO BE  
PRESENT AT CRIMINAL  
PROCEEDING**

20 -CR- 192 ) ( REC)

**Check Proceeding that Applies**☒

Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Odalys Rojas  
Print Names/ Odalys Rojas  
Signature of Defendant

\_\_\_\_ Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly

give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Defense Counsel

**Addendum for a defendant who requires services of an interpreter:**

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: \_\_\_\_\_.

Date:

  
\_\_\_\_\_  
Signature of Defense Counsel

**Accepted:**

\_\_\_\_\_  
Signature of Judge

Date: